IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 19600 of 2004

Between:

The Divisional Engineer (Operation) Andhra Pradesh Southern Power Distribution Company Limited, Power House Compound, Proddatur, Kadapa District.

..... PETITIONER

AND

1 The District Provident Fund Commissioner, Sub-Regional Office 1/30, R.S. Road, Kadapa - 516 004.
2 State Bank of India, Gandhi Road,
Proddatur, Rep. by its Chief Manager.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ more particularly one in the nature of Writ of Mandamus restraining the 1st respondent from giving effect to the proceedings AP/CP/43239/ENF.III/CDP/SRO/CDP/2004-05/5302 dt.3-8-2004 and direct the 2nd respondent to credit an amount of Rs.6,86,459/- in favour of petitioner's in their Account No. 1000500021.

Counsel for the Petitioner: MR.S.RAVINDRANATH, Advocate.

Counsel for the Respondent No.1: MR.R.N.REDDY, Standing Counsel

for Provident Fund .

The Court at the stage of admission made the following:

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Oral Order:

Heard the learned counsel for the petitioner and Mr.R.N.Reddy, learned Standing Counsel for Provident Fund for R1 and both the counsel have agreed for disposal of the writ petition at the admission stage.

Petitioner—Corporation was assed under Section 7-A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short 'the Act') and prohibitory order dated 03-08-2004 was passed by the 1st respondent directing the 2nd respondent—Bank to debit an amount of Rs.6,86,459/- towards contributions to the contract labour from the petitioner's account. It is stated that the said amount was recovered from the petitioner. Questioning the same, petitioner moved this Court by way of present writ petition.

Against the impugned order appeal lies to the appellate authority. In view of effective alternative remedy, writ petition cannot be entertained.

Learned counsel for the petitioner submits that the petitioner has to file an appeal within 60 days from the date of service of order and the said period has already been expired. Therefore, petitioner may be permitted to file the appeal by granting time to assail the correctness of the same.

Accepting the submission made by the learned counsel, petitioner is permitted to file

appeal within 60 days from today and on filing such appeal the appellate authority shall entertain the same and pass appropriate orders. In view of recovery of entire demand amount the appellate authority shall not insist for deposit of the same. The amount so recovered from the petitioner will abide by the decision of the appellate authority.

The writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

27-10-2004

Murthy

ASSISTAT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Provident Fund Commissioner, Sub-Regional Office 1/30, R.S. Road, Kadapa - 516 004.
2 The Chief Manager ,State Bank of India, Gandhi Road, Proddatur.

3. Two CD copies.